

### R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

Applicant's representative thanks Examiner George for the indications of allowable (claims 5-9 and 21) and allowed (claim 16) matter.

### SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments can be found in the specification, for example, on page 35 lines 9-11, page 35 line 14-page 36 line 18, and FIGS. 10, 11 and 13, as originally filed. Furthermore, apparatus claim 11 has been rewritten as method claim 22. Thus, no new matter has been added.

### CLAIM OBJECTION

The objection to claim 15 for dependency on a canceled claim has been obviated by appropriate amendment and should be withdrawn.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1, 4, 10-13, 17, 19 and 20 under 35 U.S.C. §102(e) as being anticipated by Galand et al. '433 (hereafter Galand) has been obviated in part, is respectfully traversed in part, and should be withdrawn.

Galand concerns a method and system for optimizing transmission link bandwidth occupation in high speed digital networks (Title). In contrast, claim 1 provides at least one of a plurality of packets having a header error portion and a packet length error portion. In contrast, Galand appears to be silent regarding a packet having both a header error portion and a packet length error portion. Therefore, Galand does not appear to disclose or suggest a packet having a header error portion and a packet length error portion as presently claimed.

Claim 1 further provides a frame comprising a plurality of packets. In contrast, the Office Action provides no evidence that Galand discloses or suggests a frame having multiple packets as presently claimed. Therefore, *prima facie* anticipation has not been established. As such, claim 1 is fully patentable over the cited reference and the rejection should be withdrawn.

Claim 17 provide a step of adding a head section having a fragmentation condition identification portion and a packet type identification portion to each of a plurality of packets received at an upstream node. In contrast, Galand appears to be silent regarding adding both a fragmentation condition identification portion and a packet type identification portion to packets as presently claimed.

Furthermore, claim 17 provides a step of transmitting a plurality of packets in a frame to a downstream node. In contrast,

the Office Action provides no arguments that Galand discloses or suggests transmitting a plurality of packets in a frame as presently claimed. Therefore, *prima facie* anticipation has not been established. As such, claim 17 is fully patentable over the cited reference and the rejection should be withdrawn.

Claim 4 provides a second error check information of a payload area being independent of a header section. In contrast, column 7, lines 52-54 of Galand state that a CRC8 field "is added for validity checking of the 'ATM' cell (83)." FIG. 8 of Galand suggests that the ATM cell (83) includes a header section. Therefore, Galand appears to teach away from a second error check information of a payload area being independent of a header section as presently claimed. Claim 19 provides language similar to claim 4. As such, claims 4 and 19 are fully patentable over the cited reference and the rejection should be withdrawn.

Claim 13 provides a packet comprising (from claim 1) a plurality of identification portions and (from claim 13) an identify portion configured to identify a destination node. In contrast, Galand appears to be silent regarding all of a plurality of identification portions and a identify portion configured to identify a designation node. Furthermore, the assertion on page 3 of the Office Action that a VPI/VCI field of Galand anticipates the claimed identify portion conflicts with the assertion on page 2 of the Office Action that the VPI/VCI field of Galand anticipates the

claimed plurality of identification portions. Therefore, Galand does not disclose or suggest at least one of a plurality of identification portions and an identify portion as presently claimed. As such, claim 13 is fully patentable over the cited reference and the rejection should be withdrawn.

Claim 20 provides a step for discarding at least one of a plurality of packets (transmitted to a downstream node) upon detecting an error in the at least one packet. In contrast, the assertion that column 7, lines 24-26 of Galand anticipates a downstream node discarding packets appears to be incorrect. Column 6 line 66 - column 7 line 26 of Galand discusses an upstream node, receiving ATM and PTM packets to be transmitted to a downstream node, testing for and then discarding bad packets. Therefore, Galand appears to discuss discarding packets before transmission to a downstream node on a network instead of after reception at the downstream node as presently claimed. Furthermore, Galand appears to be silent regarding the receiving node discarding packets. As such, claim 20 is fully patentable over the cited reference and the rejection should be withdrawn.

#### CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 3 and 18 under 35 U.S.C. §103(a) as being unpatentable over Galand in view of Kawasaki '069 has been obviated by appropriate amendment and should be withdrawn.

Claims 3 and 18 depended directly from independent claims 1 and 17, which are now believed to be allowable. As such, the presently pending invention is fully patentable over the cited reference and the rejection should be withdrawn.

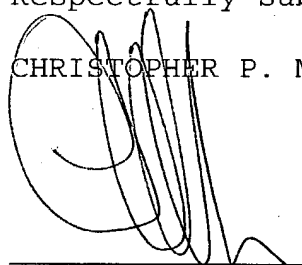
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



---

Christopher P. Maiorana  
Registration No. 42,829  
24840 Harper Avenue, Suite 100  
St. Clair Shores, MI 48080  
(586) 498-0670

Dated: October 15, 2004

Docket No.: 0325.00344